

REMARKS

This communication is a full and timely response to the non-final Office Action dated June 30, 2004 (Paper No./Mail Date 062404). By this communication, Applicant has canceled claim 1 without prejudice and amended the title, specification, abstract, Figures 3 and 4, and claims 2-9.

The title has been amended to more appropriately describe the invention.

A substitute specification has been provided that improves the idiomatic English of the original specification. No new matter has been added.

The Abstract has been amended to remove legalese and improve idiomatic English. No new matter has been added.

Figures 3 and 4 have been amended to remove descriptive titles. No new matter has been added.

Claims 2 and 3 were each amended to place them in independent form. Applicant thanks the Examiner for indicating that claims 2 and 3 contain allowable subject matter, and as discussed above, have amended each of claims 2 and 3 to include the subject matter previously recited in independent claim 1. Claims 2 and 3 are now in independent form. Accordingly, Applicant respectfully requests that the objection to claims 2 and 3 be withdrawn, and claims 2 and 3 be allowed.

Claims 4 and 5 were amended to omit their dependency from claim 1. Claims 6-9 were amended to improve idiomatic English. No new matter has been added.

Claims 2-9 are pending where claims 2 and 3 are independent.

Rejections Under 35 U.S.C. §102

Claim 1 was rejected under 35 U.S.C. §102(b) as anticipated by *Takeda* U.S. Patent No. 5,776,407. As discussed above, claim 1 has been canceled without prejudice. Thus, the rejection of claim 1 under §102 is moot. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Rejoinder of Non-elected Claims

For the reasons discussed below, Applicant respectfully requests withdrawal of the species restriction issued in a Restriction Requirement dated September 4, 2003 (Paper No. 5). Each of claims 4 and 5 depend from claims 2 and 3. Therefore, because claims 2 and 3 are in condition for allowance, claims 4 and 5 are also in condition for allowance.

Furthermore, because claims 4 and 5 were identified as linking claims in the aforementioned Restriction Requirement claims 6 and 7 should be rejoined, considered, and allowed.

Accordingly, Applicant respectfully requests that the restriction applied to claims 4-7 be withdrawn and these claims be examined and allowed.

In the aforementioned Restriction Requirement, the Examiner indicated that claims 8 and 9 were directed to a process that can be practiced by another materially different apparatus as that disclosed in the application and thus, recited a separate and distinct invention. Applicant notes, however, that apparatus claims 2 and 3 are apparatus claims that include means for practicing a particular process. The elements of claims 2 and 3 are recited as process steps in method claims 8 and 9, respectively. Therefore, claims 2 and 3 are also linking claims and claims 8 and 9 must be rejoined.

Proper restriction practice states, “if the apparatus claims include a claim to “means” for practicing the process, the claim is a linking claim and must be examined with the elected invention. If it is ultimately allowed, rejoinder is required.” *See MPEP §806.05(e)* Accordingly, Applicant respectfully requests that the restriction applied to claims 8 and 9 be withdrawn, and these claims be examined. More importantly, claims 8 and 9 recite subject matter identified as allowable by the Examiner in claims 2 and 3, respectively. Thus, in addition, Applicant respectfully requests that claims 8 and 9 be allowed.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 2-9 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2026 from which the undersigned is authorized to draw.

Dated: September 15, 2004

Respectfully submitted,

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Enclosure(s): Two (2) sheets of Replacement drawings (FIGS. 3 and 4)
Two (2) sheets of Annotated drawings showing changes (FIGS. 3 and 4)
Abstract of the Disclosure

DC136862

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figures 3 and 4. The amendment to these figures is as follows:

Sheet 1 Fig. 3: Please delete the title “CONTINUOUS OPERATION CONDITIONS” in Figure 3 as shown.

Sheet 2, Fig. 4: Please delete the title “DISK SUBSTRATE MOLDING START CONDITIONS” in Figure 4 as shown.



FIG.3 CONTINUOUS OPERATION CONDITIONS

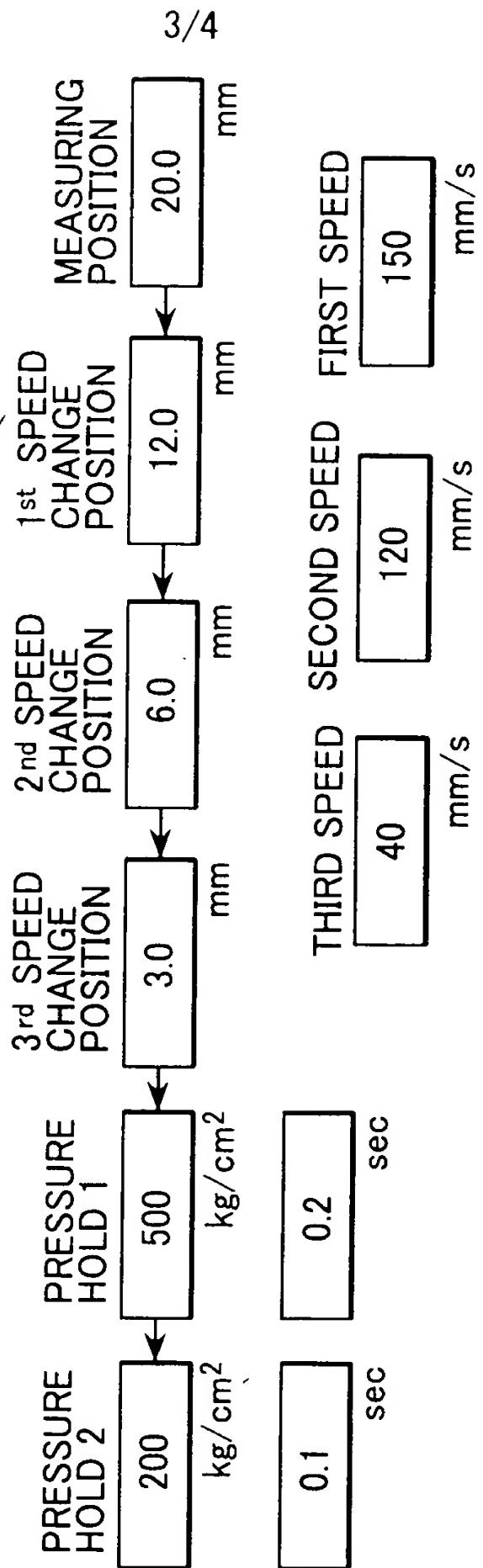




FIG.4 DISC SUBSTRATE MOLDING START CONDITIONS

